



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

GREGORY L. BASS, §
Plaintiff, §
§
vs. § CIVIL ACTION NO. 3:04-23152-HFF-JRM
§
TOM FOX, Director of Reuben Long §
Detention Center, §
Defendant. §

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE AND DISMISSING THE PLAINTIFF'S ACTION

This is a Section 1983 action. Plaintiff is proceeding *pro se*. The matter is before the Court for review of the report and recommendation (report) of the United States Magistrate Judge in which he suggests that Plaintiff's action be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The report is made in accordance with 28 U.S.C. § 636 and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed his report on June 28, 2005. Plaintiff failed to file any objections to the report.¹ In the absence of objections, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the report and the record in this case pursuant to the standards set forth above, the Court adopts the report and incorporates it herein. Therefore, it is the judgment of this Court that the case be **DISMISSED** pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED

Signed this 11th day of July, 2005, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has a right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

¹The Court notes that Plaintiff is likely unaware of the Magistrate Judge's report since Plaintiff's copy of the report was returned to the Clerk on July 6, 2005, marked "INMATE NOT IN JAIL." In light of the present posture of the case, however, and the Court's January 6, 2005, directive that Plaintiff's failure to keep the Court apprised of his current address "[would] not be excused by the Court[]," *Bass v. Fox*, No. 3:04-23152-26BC, slip op at 2 (D.S.C. Jan. 6, 2005), the Court has no option but to dismiss the action.

